

Appl. No. 10/762,746

Amdt. dated Aug. 31, 2005

Reply to Office action of Jun. 14, 2005

**REMARKS**

Claims 21-40 were pending in the present application.

Claims 41-47 have been added for consideration.

Claims 21-22, 25, 31-34 and 38-40 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,164,942 to Kamerman et al. (*Kamerman*).

Claims 21-22, 25, 27-29, 31-34, 36 and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kamerman* in view of common techniques in the art at the time of the invention.

Claims 23, 24 and 35 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 26 stands objected to for unknown reasons.

For at least the reasons stated below, Applicant respectfully traverses the above rejections.

**Rejections Under 35 U.S.C. § 102(e)**

Turning first to the rejection of claims 21-22, 25, 31-34 and 38-40 under 35 U.S.C. § 102(e) as anticipated by *Kamerman*, Applicant respectfully traverses this rejection.

Prior claims 22, 25, 39 and 40 have been cancelled by the present amendment, so the rejection of such claims is now moot.

In ¶ 3 of the Office Action, the Examiner stated that prior dependent claim 23 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Independent claim 21, as currently amended, includes all of the limitations of prior dependent claim 23, the base claim (*i.e.*, prior independent claim 21) and any intervening claims (of which there were none). Applicant respectfully submits that claim 21 is allowable, as are all claims depending from claim 21, including claims 24 and 27-33.

In ¶ 3 of the Office Action, the Examiner stated that prior dependent claim 35 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Independent claim 34, as currently amended, includes all of the

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limitations of prior dependent claim 35, the base claim (*i.e.*, prior independent claim 34) and any intervening claims (of which there were none). Applicant respectfully submits that claim 34 is allowable, as are all claims depending from claim 34, including claims 36-38.

#### **Rejections Under 35 U.S.C. § 103(a)**

Turning next to the rejection of claims 21-22, 25, 27-29, 31-34, 36 and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over *Kamerman* in view of common techniques in the art at the time of the invention, Applicant respectfully traverses this rejection.

Prior claims 22, 25, 39 and 40 have been cancelled by the present amendment, so the rejection of such claims is now moot.

As discussed previously, in ¶ 3 of the Office Action, the Examiner stated that prior dependent claim 23 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Independent claim 21, as currently amended, includes all of the limitations of prior dependent claim 23, the base claim (*i.e.*, prior dependent claim 21) and any intervening claims (of which there were none). Applicant respectfully submits that claim 21 is allowable, as are all claims depending from claim 21, including claims 24 and 27-33.

Also as discussed previously, in ¶ 3 of the Office Action, the Examiner stated that prior dependent claim 35 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Independent claim 34, as currently amended, includes all of the limitations of prior dependent claim 35, the base claim (*i.e.*, prior independent claim 34) and any intervening claims (of which there were none). Applicant respectfully submits that claim 34 is allowable, as are all claims depending from claim 34, including claims 36-38.

#### **New Claims**

The present amendment adds new claims 41-47 for consideration. For the following reasons, Applicant respectfully submits that new claims 41-47 are allowable.

On the Office Action Summary page, the Examiner stated that prior dependent claim 26 stands objected to. The text of the Office Action, however, does not explain why prior claim 26

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stands objected to. In a telephone conversation between Applicant's representative and the Examiner on August 30, 2005, the Examiner directed Applicant's representative to respond as though prior claim 26 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. New claim 41 includes all of the limitations of prior dependent claim 26, the base claim (*i.e.*, prior independent claim 21) and any intervening claims (of which there were none). Accordingly, Applicant respectfully submits that new claim 41 is allowable, as are all claims depending from claim 41, including new claims 42-47, which are similar to currently pending dependent claims 27-32.

#### **General Comments**

The Office Action includes many statements regarding former pending claims and various references that are now moot in light of the amendments discussed previously. Accordingly, this response will not address such statements. Applicant, at this time, neither agrees nor disagrees with such statements and explicitly reserves the right to challenge such statements in the future, if the need arises. Additionally, Applicant plans to file a continuation application in which various statements and rejections in the Office Action will be addressed in detail.

#### **Summary**

Based on at least the foregoing, Applicant believes that claims 21, 24, 27-34, 36-38 and 41-47 are in condition for allowance. Accordingly, Applicant courteously solicits a Notice of Allowability with respect to all pending claims. If the Examiner disagrees or has a question regarding this submission, Applicant respectfully requests that the Examiner telephone the undersigned at 312-775-8000.

FROM McANDREWS, HELD, & MALLOY

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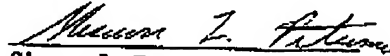
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The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: August 31, 2005

Respectfully submitted,



Shawn L. Peterson

Reg. No. 44,286

Attorney for applicant

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
Chicago, IL 60661  
Telephone: (312) 775-8000